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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/893,346	06/28/2001	Wayne D. Comper	48643-015	2638	
75	90 01/27/2003				
MCDERMOTT, WILL & EMERY			EXAMINER		
600 13th Street, Washington, DC			BROWN, S	STACY S	
			ART UNIT	PAPER NUMBER	
			1648	O	
			DATE MAILED: 01/27/2003	K	

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.		Applicant(s)				
Office Action Summary		09/893,346		COMPER, WAYNE D.				
		Examiner		Art Unit				
		Stacy S Brown		1648				
	The MAILING DATE of this communication appears on the cover sheet with the correspondence address							
	Period for Reply							
THE - Exte after - If the - If NC - Failu - Any eam	ORTENED STATUTORY PERIOD FOR REPLY MAILING DATE OF THIS COMMUNICATION. nsions of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. e period for reply specified above is less than thirty (30) days, a reply operiod for reply is specified above, the maximum statutory period we are to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	66(a). In no event, however within the statutory minim ill apply and will expire SI cause the application to b	er, may a reply be time num of thirty (30) days X (6) MONTHS from the Decome ABANDONED	ely filed will be considered timely. ne mailing date of this communication. (35 U.S.C. § 133).				
Status								
1)⊠	Responsive to communication(s) filed on <u>Dece</u>		ol.					
2a)□	•—	s action is non-fina		acception on to the morite is				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.								
•	ion of Claims							
4)⊠	Claim(s) <u>1-5,7-14,16-18 and 20-23</u> is/are pend							
	4a) Of the above claim(s) is/are withdrawn from consideration.							
·	Claim(s) is/are allowed.							
·	☑ Claim(s) <u>1-5,7-14,16-18 and 20-23</u> is/are rejected.							
·	☑ Claim(s) <u>9-11,14,19 and 21</u> is/are objected to.							
•—	Claim(s) are subject to restriction and/or ion Papers	election requirem	ient.					
	The specification is objected to by the Examiner							
,—	The drawing(s) filed on <u>28 June 2001</u> is/are: a)[objected to by th	e Examiner				
.0/23	Applicant may not request that any objection to the		-					
11)	11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.							
If approved, corrected drawings are required in reply to this Office action.								
12) The oath or declaration is objected to by the Examiner.								
Priority (under 35 U.S.C. §§ 119 and 120							
13)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).								
a)	⊠ All b) Some * c) None of:							
	1. Certified copies of the priority documents have been received.							
	2. Certified copies of the priority documents have been received in Application No. 09/415,217.							
* (3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 							
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).								
a) ☐ The translation of the foreign language provisional application has been received. 15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.								
Attachmer	•		•					
2) Notic	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (PTO-948) mation Disclosure Statement(s) (PTO-1449) Paper No(s)	5) 🔲 1		(PTO-413) Paper No(s) atent Application (PTO-152)				

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DETAILED ACTION

1. Applicant's amendment received December 11, 2002 is acknowledged and entered. Claims 1-5, 7-14, 16-18 and 20-23 are pending and examined.

Response to Amendment

- 2. The following objection and rejections are withdrawn in view of Applicant's amendments:
 - The objection to the specification is withdrawn.
 - The rejection of claims 1-19 under 35 U.S.C. 112, second paragraph is withdrawn.
 - The rejection of claims 1-7, 16-17 and 20 under 35 U.S.C. 102(b) is withdrawn.
 - The rejection of claims 18-19 and 21 under 35 U.S.C. 103(a) is withdrawn.

Claim Objections

- 3. Claims 9, 10, 11, 14, 19 and 21 are objected to because of the following informalities:
 - Claims 9 and 14, (b), "native or intact modified albumin [emphasis added]" should be "native and intact modified albumin" in order to be consistent with the preceding claims.
 - Claim 10, "unmodified and modified" should be "native and intact modified" for claim language consistency.
 - Claims 11, 19 and 21, "modified albumin" and "modified form of albumin" should be "intact modified" or "intact form" for claim language consistency.

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Claim Rejections - 35 USC § 112

- 4. Claims 1-5, 7-14, 16-18 and 20-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
 - Claims 1 and 20, references to "the protein" are unclear. Which form of the
 protein is being measured or used to indicate an effective treatment agent? Native
 protein or intact modified protein or both?
 - Claim 2, it is unclear whether the parentheses are limiting the types of diseases or listed as representative examples.
 - Claim 7, line 1, "the protein" is unclear. Is the protein native protein or intact modified protein or both?
 - Claim 12, line 1, "the albumin" is unclear. Is the albumin in the native or intact modified form or both?
 - Claim 16 contains improper Markush language.

Conclusion

5. No claim is allowed.

Papers relating to this application may be submitted to Group 1600 by facsimile transmission. Papers should be faxed to Group 1600 located in Crystal Mall 1. The Fax number for Art Unit 1648 is (703) 308-4426. All Group 1600 Fax machines will be available to receive

HANKYEL T. PARK, PH.D. PRIMARY EXAMINER

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transmissions 24 hrs/day, 7 days/wk. Please note that the faxing of such papers must conform with the Notice published in the Official Gazette, 1096 OG 30, (November 15, 1989).

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Stacy S. Brown, whose telephone number is (703) 308-2361. The Examiner can normally be reached on Monday through Friday and alternate Wednesdays from 6:30 AM-4:00 PM, (EST). If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, James C. Housel, can be reached at (703) 308-4027. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

January 23, 2003